



Office of the Attorney General

State of Texas

June 17, 1998

DAN MORALES
ATTORNEY GENERAL

Mr. Joe Bridges
Assistant District Attorney
Denton County Criminal District
Attorney's Office
127 N. Woodrow Lane
Denton, Texas 76205

OR98-1498

Dear Mr. Bridges:

You ask whether certain information is subject to required public disclosure under the Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 116109.

The Denton County Sheriff (the "Sheriff") received a request for "all calls for service, incidents and/or offenses" at a particular address and for copies of any and all police reports and/or records pertaining to a certain person. You assert that the information is excepted from required public disclosure based on sections 552.101 and 552.103 of the Government Code.

Here, the requestor asks all information concerning a certain named individual as a suspect. The release of a compilation of offense reports in which an individual is listed as the suspect implicates that individual's common-law right to privacy. *See United States Dep't of Justice v. Reporters Comm. for Freedom of the Press*, 489 U.S. 749 (1989), *Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177, 179 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976). Accordingly, the city must not release the information submitted as "Group #2." Gov't Code § 552.101; *see also Industrial Found. v. Texas Indus. Accident Bd.*, 540 S.W.2d 668 (Tex. 1976), *cert. denied*, 430 U.S. 931 (1977).

The "Group #1" records do not concern the named individual as a suspect; however, these records concern the conduct of a juvenile that occurred on February 19, 1996. You urge that these records are excepted from disclosure based on section 552.101 of the Government Code in conjunction with section 58.007(c) of the Family Code. Section 552.101 of the Government Code excepts from disclosure information that is deemed confidential by law, including information made confidential by statute. Section 58.007(c) of the Family Code makes confidential juvenile offender records held by law enforcement

agencies, but only if the conduct occurred on or after September 1, 1997. Act of June 2, 1997, 75th Leg., R.S., ch. 1086, § 52, 1997 Tex. Sess. Law Serv. 4179. Thus, section 58.007(c) does not apply to the records at issue. Former section 58.007 applies to juvenile law enforcement records concerning juvenile conduct occurring on or after January 1, 1996 to August 31, 1997. Former section 58.007 does not make confidential juvenile law enforcement records concerning juvenile conduct occurring on or after January 1, 1996, that are maintained by law enforcement agencies. *See* Open Records Decision 644 (1996). Accordingly, in this instance, the Sheriff may not withhold from disclosure the juvenile law enforcement records at issue.

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Kay Hastings
Assistant Attorney General
Open Records Division

KHH/nc

Ref.: ID# 116109

Enclosures: Submitted documents

cc: Ms. Jacqueline A. Spika
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